

# **Exhibit I**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

**R. CATHY REARDON  
On behalf of herself and all  
similarly situated individuals,**

**Plaintiffs,**

**v.**

**NO. 2:08cv1730GLL**

**CLOSETMAID CORPORATION**

**Hon. Judge Gary Lancaster**

**Defendant.**

**DECLARATION OF CHRISTOPHER COLT NORTH**

I, Christopher Colt North, declare:

1. My name is Christopher Colt North. I have personal knowledge of the facts stated herein, and they are all true and correct.
2. I am one of the attorneys representing Plaintiffs in the above styled litigation. I am the President of The Consumer & Employee Rights Law Firm, P.C. located at 751-A Thimble Shoals Boulevard, Newport News, VA 23606.
3. As part of the discovery process in the above styled matter, the Defendant delivered to my office approximately three hundred files relating to individuals who were turned down for employment by ClosetMaid Corporation during the time period at issue in this case.
4. Each job applicant had authorized the acquisition of a consumer report by ClosetMaid or its agent, and ClosetMaid had obtained and reviewed consumer reports for all individuals.
5. The Defendant also delivered criminal records and traffic records for approximately half of the three hundred applicants.

6. Through the discovery process I also learned that the Defendant, ClosetMaid, claimed to have assigned codes to the candidate files to explain why a person was rejected from employment.
7. My review of the files demonstrated that fifty-six individuals were rejected for employment by ClosetMaid after ClosetMaid had obtained a consumer report which included derogatory criminal record information obtained from public records.
8. The list of individuals is attached as Exhibit A with the initials for the individuals substituted for their full names along side my brief summary of the offenses reflected in the reports contained in the ClosetMaid files.
9. There were also thirteen individuals whose background reports included serious traffic offenses.
10. In addition, credit reports were provided for eight individuals.
11. Notwithstanding the fifty-six people with serious criminal records and the thirteen people with serious traffic records, a review of the Defendants personnel files demonstrates that only ten individuals total were assigned the code "NQ6" which according to Defendant demonstrated the rejection was based on the "background report".
12. Approximately one hundred applicants were assigned the code "Q4" which according to Defendant stands for "Not a Good Fit".
13. The Defendant's corporate deposition witness, Ms. Beal testified that Defendant sent only five individuals the pre-adverse action letter required by the FCRA, even though sixty-nine applicants would have warranted the letter based on the review of the personnel files and the corresponding criminal and traffic records.

14. Accordingly, there are sixty-nine people in the pre-adverse action sub-class in this case based on my review of the applicant files, their corresponding consumer reports, and the decision codes assigned by Defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of September, 2010.

  
\_\_\_\_\_  
Christopher Colt North

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**EXHIBIT A**

**Pre-adverse Action Class**

**Background Report Requested / Criminal Record Revealed:**

1. K.R.K. - theft by unlawful taking, theft by deception
2. B.A.B. - assault 2<sup>nd</sup> degree, intimidate/influence juror, obstruct justice, obstructing hindering, stalking, false imprisonment, tel misuse, harass
3. K.A.B. - poss paraphernalia, poss marijuana
4. L.E.C. - maryland sexual offender
5. A.J.D. - paraphernalia, driving unregistered, lighting requirements
6. R.W.E., Jr. - theft
7. M.M.J. - bd check/utter
8. V.C.K. - fraud, theft
9. K.W.L. - violating protective order, disturbing peace, mal dest prop, trespass, assault 2<sup>nd</sup> degree
10. J.R.L. - receiving stolen property, conspire/theft, criminal mischief, disorderly conduct, theft from motor vehicle
11. E.E.L. - poss of marijuana, burglary, mal dest prop, indecent exposure, theft
12. J.B.M. - poss not marijuana, distribute narcotic, rogue and vagabond, poss marijuana
13. S.M.M. - assault 2<sup>nd</sup> degree
14. K.A.C. - agg assault, kidnapping
15. J.E.D. - written promise to appear, secord degree misdemeanor
16. L.A.D. - agg assault, battery
17. M.D.E. - altered instrument, fraud, grand theft, defrauding innkeeper
18. C.D.G. - refuse to accept citation
19. C.G.G. - poss schedule I, II, III, IV
20. T.C.H. - burglary, grand theft
21. R.J.H. - marijuana, possess forged, poss of cocaine, poss fake ID
22. M.R.K. - fraud
23. A.L. - delete infraction, larceny, operating vehicle unsafe condition
24. E.C.B. - refuse to accept citation, distrib marijuana, narcotic equip, homicide/negligent manslaughter/vehicle, DUI/manslaughter, poss drug paraphernalia, poss cocaine, elude law enforce, resist officer, suspended license, traffic flee, assault
25. L.A.B. - simple battery, assault, child abuse
26. R.M.C., Jr. - fraud, burglary, larceny, stolen property, grand theft, worthless check
27. M.S.C. - distrib marijuana, forgery/uttering, traffic in stolen property, burglary, poss cocaine
28. B.A.A. - theft, mal des
29. R.J.M. - DUI/liquor or drugs
30. M.D.R., III - fraud, theft, use/disclose credit card nos, mal dest prop, harass, peace order/fail to comply, tel misuse
31. C.D.S. - theft
32. T.J.T. - dist/produce with intent to dist, poss paraphernalia, poss not marijuana, probation parole

**EXHIBIT A**

33. G.L.W., Jr. - motor vehicle/unlawful taking, theft, fraud/conversion
34. A.S.W. - poss cocaine, poss controlled substance
35. C.M.M. - poss marijuana, poss drug paraphernalia, poss cocaine
36. D.A.M. - assault 4<sup>th</sup> degree, assault 2<sup>nd</sup> degree, minor buy/sell liquor, criminal assault, destruction of property
37. T.P.M. - no valid operators license, assault 4<sup>th</sup>
38. A.M., Jr. - driving while suspended, assault 4<sup>th</sup>, drug paraphernalia
39. J.M.P. - distr marijuana, damage prop, trespassing, intent threat to do violence, obstructing justice, prowling, home invasion
40. J.W.R. - grand theft
41. C.R. - \$10,000 prop damage, \$4,000 prop damage
42. W.R. - grand theft motor vehicle
43. D.R. - assault, DUI, robbery
44. A.G.S. - trafficking in cocaine
45. J.J.T. - trespassing, poss of weapon, unauthorized use of BB gas operated firearm, alter identification on weapon
46. H.E.W., Jr. - weapon offense, poss marijuana, display gun
47. J.E.B. - DUI
48. S.D. - access device fraud, bad checks, harassment, simple assault, disorderly conduct
49. B.G. - theft by unlawful taking, receiving stolen property
50. M.D.H. - forgery, access devise issued to another, theft by unlawful taking, receiving stolen property
51. R.L. - careless driving, driving with blood/alcohol level .10% or greater, driving under the influence
52. D.C.L. - disorderly conduct, public drunkenness
53. J.R.M. - driving with blood/alcohol level .10% or greater, careless driving, driving under the influence, no headlights
54. M.L.R. - simple assault, resist arrest, harassment, probable cause/domestic violence, disorderly conduct, recklessly endangering another person
55. D.E.S. - conspiracy, poss controlled substance
56. S.D.T. - conspire robbery

**Only Motor Vehicle Driving Record Requested:**

1. D.H. - (one speeding conviction)
2. R.A.A. - (failure to keep in proper lane, violation HOV lane, speeding)
3. J.H.P. - (improper backing, speeding, follow too closely, improper lane condition)
4. S.R.C. - (failure to yield to emergency)

**EXHIBIT A**

**Background Report Requested / No Criminal Record, But Traffic Record Revealed:**

1. R.J. - (driving report-suspensions, accidents failed to turn, no seat belt, mobile phone, operating out of class, oversize, no license, passed red light default)
2. P.F. - (driving report-no insurance, speeding)
3. J.R.D. - (driving report-careless driving)
4. J.T.B. - (driving report-fail to satisfy citation, reinstatement)
5. A.S.B. - (driving report-accident, speeding)
6. M.A.A. - (driving report-careless driving, suspension)
7. I.A. - (driving report-failure to obey law)
8. W.T. - (PA driving report-suspension, speeding)
9. G.E.M. - (driving report-speeding)

**Background Report Requested / No Criminal Or Traffic Record Revealed,  
But Credit Report Revealed:**

1. S.M.L. - (credit report)
2. J.H. - (credit report)
3. V.N.H. - (credit report)
4. R.O.G. - (credit report)
5. D.E.S. - (credit report)
6. M.P. - (credit report)
7. K.D.M. - (credit report)
8. J.S.L. - (credit report)